

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

[R05-201]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 12, Board of Funeral Directors and Embalmers
Article and its heading: 1, General Provisions
Section numbers: 6, Crematory and Cremation Regulation
R4-12-101 and R4-12-602 through R4-12-641 (The Board may add, delete, or modify sections as necessary.)
2. **The subject matter of the proposed rule:**
The Board is revising its rules for crematories consistent with statutory changes made in 2002 and as set out in its five-year review report approved by the Governor's Regulatory Review Council on March 5, 2002.
3. **A citation to all published notices relating to the proceeding:**
Not applicable
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Rodolfo R. Thomas, Executive Director
Address: 1400 W. Washington, Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: rudy.thomas@funeralbd.state.az.us
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept written comments at the location in item #4 between 8 a.m. and 5 p.m. Monday through Friday, until the close of record. The Board has not scheduled an oral proceeding at this time.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
None

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

[R05-207]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 17, Arizona Regulatory Board of Physician Assistants
Article and its heading: 1, General Provisions
2, Licensure
3, Scope of Practice
4, Regulation
5, Board-delegated Executive Director Duties
(The Board may add, delete, or modify articles as necessary.)
Section numbers: R4-17-101, R4-17-102, R4-17-103, R4-17-104, R4-17-105, R4-17-201, R4-17-202, R4-17-203, R4-17-204, R4-17-205, R4-17-206, R4-17-207, R4-17-208, R4-17-301, R4-17-302, R4-17-303, R4-17-304, R4-17-305, R4-17-401, R4-17-402, R4-17-403, R4-17-404, R4-17-501, R4-17-502, R4-17-503, R4-17-504, R4-17-505, R4-17-506, R4-17-507, R4-17-508, R4-17-509, and R4-17-510 (The Board may add, delete, or modify sections as necessary.)

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2. The subject matter of the proposed rule:

The Board will rewrite this Chapter in its entirety to bring the Chapter into conformity with current Board regulations and rulemaking standards of the Arizona Administrative Procedure Act, A.R.S. Title 41, Chapter 6.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: George R. Pavia, Rules/Policy Analyst

Address: 9545 E. Doubletree Ranch Rd.
Scottsdale, AZ 85258-5514

Telephone: (480) 551-2769

Fax: (480) 551-2828

E-mail: gpavia@azmd.gov

Please visit the Board web site to track progress of this rule and any other agency rulemaking matters at www.azpa.gov.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

An interested person may deliver oral or written comment to the Board official listed in item #4 from 8 a.m. to 5 p.m., Monday through Friday except state holidays.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ECONOMIC SECURITY

UNEMPLOYMENT INSURANCE

[R05-203]

1. Title and its heading:

6, Economic Security

Chapter and its heading:

3, Department of Economic Security – Unemployment Insurance

Articles and their headings:

50, Voluntary Leaving Benefit Policy

51, Discharge Benefit Policy (The Department may add, delete, or modify articles as necessary.)

Section numbers:

R6-3-50155 and R6-3-5105 (The Department may add, delete, or modify sections as necessary.)

2. The subject matter of the proposed rule:

This rulemaking is in response to a Petition for Rulemaking filed with the Department by the Arizona Coalition Against Domestic Violence. It will include domestic violence in the list of domestic circumstances that qualify as compelling personal reasons to quit a job, as long as certain circumstances are met. It will also amend the discharge benefit policy rules to address domestic violence circumstances.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Beth Broeker

Address: Department of Economic Security
1789 W. Jefferson, Site Code 837A
Phoenix, AZ 85007

or

P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted during business hours by the person named in item #4, until further notice is provided. The Department has not scheduled oral proceedings at this time.

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6. A timetable for agency decisions or other action on the proceeding, if known:

None

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**DEPARTMENT OF HEALTH SERVICES
ADMINISTRATION**

[R05-215]

1. Title and its heading:

9, Health Services

Chapter and its heading:

1, Department of Health Services – Administration

Article and its heading:

5, Sliding Fee Schedules

Section numbers:

R9-1-501, R9-1-502, R9-1-503, R9-1-504, R9-1-505, and R9-1-506

(The Department may add, delete, or modify sections as necessary.)

2. The subject matter of the proposed rule:

On September 11, 2001, the Governor's Regulatory Review Council approved a five-year review report of 9 A.A.C. 2, Article 1, consisting of the sliding fee schedule rule applicable to qualifying community health centers under A.R.S. § 36-2907.06. In this rulemaking the Department is making new sliding fee schedule rules that address issues identified in the five-year review report and that reflect current industry practice and Department policy. These rules will include a definitions Section and sections dealing with sliding fee schedule submission, contents, and other requirements. The Department is making a new sliding fee schedule Article in 9 A.A.C. 1, Administration, because the rules will apply to the Department's programs, in addition to the primary care program, that call for sliding fee schedules.

In a separate rulemaking the Department is repealing 9 A.A.C. 2, Tobacco Tax-funded Programs, including Article 1, Sliding-fee Schedule; and R9-2-101, Approval of Sliding-fee Schedule.

The agency docket number, if applicable:

RE-008-05

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Myriam Vega, Office Chief

Address: Office of Health Systems Development
Arizona Department of Health Services
1740 W. Adams, Room 410
Phoenix, AZ 85007

Telephone: (602) 542-1219

Fax: (602) 542-2011

E-mail: vegami@azdhs.gov

Or

Name: Kathleen Phillips, Rules Administrator

Address: Office of Administrative Rules
Arizona Department of Health Services
1740 W. Adams, Room 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept written comments at the locations listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
TOBACCO TAX-FUNDED PROGRAMS

[R05-216]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 2, Department of Health Services – Tobacco Tax-Funded Programs
Article and its heading: 1, Sliding-fee Schedule
Section number: R9-2-101
2. **The subject matter of the proposed rule:**
Laws 2003, Ch. 265, § 30, retroactively effective to July 1, 2003, repealed all versions of former A.R.S. § 36-2921, which allocated tobacco tax funds, including allocations to the Department's primary care program under A.R.S. § 36-2907.06. This program and other Department programs formerly receiving tobacco tax funds are now funded by the state's general fund. Therefore, the Department will repeal 9 A.A.C. 2, Tobacco Tax-funded Programs, including Article 1, Sliding-fee Schedule, and R9-2-101, Approval of Sliding-fee Schedule.

In a separate rulemaking the Department will make new sliding-fee schedule rules in 9 A.A.C. 1, Article 5, applicable to the Department's programs calling for sliding-fee schedules.

The agency docket number, if applicable:
RE-007-05
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Myriam Vega, Office Chief
Address: Office of Health System Development
Arizona Department of Health Services
1740 W. Adams, Room 410
Phoenix, AZ 85007

Telephone: (602) 542-1219
Fax: (602) 542-2011
E-mail: vegami@azdhs.gov

Or

Name: Kathleen Phillips, Rules Administrator
Address: Office of Administrative Rules
Arizona Department of Health Services
1740 W. Adams, Room 202
Phoenix, AZ 85007

Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments at the locations listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be announced

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
WAIVER PROGRAMS

[R05-217]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 12, Department of Health Services – Waiver Programs
Articles and their headings: 1, General
2, J-1 Visa Waiver Program

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Section numbers:

R9-12-101, R9-12-201, R9-12-202, R9-12-203, R9-12-204, R9-12-205, R9-12-206, R9-12-207, R9-12-208, Table 1, R9-12-209, R9-12-210, and R9-12-211 (The Department may add, delete, or modify sections as necessary.)

2. The subject matter of the proposed rule:

Consistent with the statutory duty under A.R.S. § 36-104(16) to promote health care access in the state's underserved areas, the ADHS is making rules for J-1 visa waiver-related matters, including the issuance or non-issuance of a recommendation for a J-1 visa waiver application. The ADHS published a Notice of Rulemaking Docket Opening for the J-1 visa waiver program at 10 A.A.R. 2083, May 21, 2004. Because the original docket opening was published more than one year ago, the ADHS is publishing a new Notice of Rulemaking Docket Opening.

According to 8 United States Code (USC) §§ 1182(e) and 1184(l), a foreign physician completing graduate medical education or training in the United States under a J-1 visa may apply for a J-1 visa waiver from the U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security. A J-1 visa waiver exempts the foreign physician from the requirement to return home for two years after completing the education or training.

Federal law authorizes submission of J-1 visa waiver applications with a recommendation from an interested government agency. The U.S. Department of State (DOS) reviews these applications, and the USCIS makes the decision to deny or grant the waiver. As a state public health department, the ADHS currently may provide recommendations for and submit to the DOS up to 30 J-1 visa waiver applications each federal fiscal year, October 1 through September 30.

The agency docket number, if applicable:

RE-006-05

3. A citation to all published notices relating to the proceeding:

Notice of Rulemaking Docket Opening: 10 A.A.R. 2083, May 21, 2004

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Myriam Vega, Office Chief

Address: Office of Health Systems Development
Arizona Department of Health Services
1740 W. Adams, Room 410
Phoenix, AZ 85007

Telephone: (602) 542-1219

Fax: (602) 542-2011

E-mail: vegami@azdhs.gov

Or

Name: Kathleen Phillips, Rules Administrator

Address: Office of Administrative Rules
Arizona Department of Health Services
1740 W. Adams, Room 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the locations listed in item #4 until the close of record, which has not yet been determined. The ADHS has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF WATER RESOURCES

[R05-198]

1. Title and its heading:

12, Natural Resources

Chapter and its heading:

15, Department of Water Resources

Article and its heading:

1, Definitions, Fees, Procedural Rules for Hearings; 4 Licensing Time-Frames; 7, Assured and Adequate Supply; 8, Well Construction

Notices of Rulemaking Docket Opening

Section numbers:

and Well Drillers; 9, Water Measurement; 10, Reporting Requirements for Annual Reports, Annual Accounts, Operating Flexibility Accounts, and Conveyances of Groundwater Rights; 11, Inspections and Audits R12-15-151; R12-15-401; R12-15-701, R12-15-703, R12-15-705, R12-15-717; R12-15-811, R12-15-814; R12-15-904; R12-15-1001, R12-15-1003, R12-15-1004, R12-15-1006, R12-15-1008, R12-15-1009, R12-15-1010, R12-15-1011, R12-15-1014, R12-15-1016; and R12-15-1101

2. The subject matter of the proposed rule:

The Department proposes to make nonsubstantive technical corrections to the sections listed above. These amendments include amending rules to conform to statutes that were enacted or amended since the rules were adopted, deleting provisions that have become obsolete, updating information such as ADWR's address, and correcting errors. Nonsubstantive stylistic changes will also be made to these rules to improve grammar and readability.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Scott Deeny, Deputy Counsel

Address: Legal Division
500 N. Third St.
Phoenix, AZ 85004

Telephone: (602) 417-2420

Fax: (602) 417-2415

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will schedule an oral proceeding when it publishes a Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

None known at this time

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF WATER RESOURCES

[R05-202]

1. Title and its heading:

12, Natural Resources

Chapter and its heading:

15, Department of Water Resources

Article and its heading:

7, Assured and Adequate Supply

Section numbers:

R12-15-701 through R12-15-725 (The Department may add, delete, or modify sections as necessary.)

2. The subject matter of the proposed rule:

The Department proposes to modify its Assured and Adequate Water Supply rules, R12-15-701 through R12-15-725, and propose new fees for applications filed under the rules.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Patricia Hill

Address: 500 N. Third St.
Phoenix, AZ 85004

Telephone: (602) 417-2410

Fax: (602) 417-2415

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will schedule an oral proceeding when it publishes a Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Department is holding monthly stakeholder meetings to assist in developing this rulemaking package. Persons wishing to receive direct notice of any stakeholder meeting should contact the agency personnel listed in item #4.

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

[R05-199]

1. **Title and its heading:** 13, Public Safety
Chapter and its heading: 4, Arizona Peace Officer Standards and Training Board
Article and its heading: 1, General Provisions
Section numbers: R13-4-101 through R13-4-118 (The Board may add, delete, or modify sections as necessary.)
2. **The subject matter of the proposed rule:**
Under its authority to prescribe reasonable minimum qualifications for peace officers, the Board is establishing a provision that enables an otherwise disqualified individual to be appointed if the Board determines that the disqualification results from a juvenile indiscretion. Under its authority to prescribe minimum training requirements for peace officers, the Board is requiring that an individual pass a Comprehensive Final Examination to complete the full authority peace officer basic course. The Board will also amend sections to make them more clear, concise, and understandable.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Lyle Mann
Address: Arizona Peace Officer Standards and Training Board
2643 E. University
Phoenix, AZ 85034
Telephone: (602) 223-2514
Fax: (602) 244-0477
E-mail: Lmann@azpost.state.az.us
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept comments during business hours at the address listed in item #4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY
ADMINISTRATION

[R05-206]

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 1, Department of Environmental Quality – Administration
Article and its heading: 5, Licensing Time-frames
Section numbers:
R18-1-501 Definitions
R18-1-502 Applicability; Effective Date
R18-1-503 Administrative Completeness Review Time-frame Operation; Administrative Completeness
R18-1-504 Substantive Review Time-frame Operation; Requests for Additional Information
R18-1-505 Overall Time-frame Operation
R18-1-507 Ending of Time-frames; Licensing Decisions; Withdrawal; Notice of Licensing Time-frames
Nonapplicability
R18-1-513 Licensing Time-frames Opt-in Agreements
Table 3 Open Burning Licenses Issued by the Phoenix Office
Table 3-N Open Burning Licenses Issued by the Northern Regional Office
Table 3-S Open Burning Licenses Issued by the Southern Regional Office
Table 4 Vehicle Emission Licenses
Table 5 Safe Drinking Water Construction Licenses Issued by the Phoenix Office
Table 5-N Safe Drinking Water Construction Licenses Issued by the Northern Regional Office
Table 5-S Safe Drinking Water Construction Licenses Issued by the Southern Regional Office
Table 7 Pesticide Contamination Prevention Licenses
Table 8 Safe Drinking Water Monitoring and Treatment Licenses
Table 9 Water and Wastewater Facility Operator Licenses

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Table 10	Water Permit Licensing Time-frames
Table 11	Surface Water Licenses
Table 13	Special Waste Licenses
Table 14	Landfill Licenses
Table 15	Biohazardous Medical Waste Licenses
Table 16	Waste Tire, Lead Acid Battery, and Used Oil Licenses
Table 17	Hazardous Waste Licenses
Table 18	Underground Storage Tank Licenses
Table 19	WQARF Remediation Licenses Issued by the Phoenix Office
Table 19-S	WQARF Remediation Licenses Issued by the Southern Regional Office
Table 20	Voluntary Program Remediation Licenses

(The Department may add, delete, or modify sections or tables as necessary.)

2. The subject matter of the proposed rule:

The Department is considering rules to repeal and amend rule text and to repeal, amend, and add license categories to tables as required to update the licensing time-frames rulemaking.

3. A citation to all published notices relating to the proceeding:

Notice of Rulemaking Docket Opening: 10 A.A.R. 2264, June 4, 2004

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Deborah K. Blacik
Address: Arizona Department of Environmental Quality
1110 W. Washington St. Mailcode: 6415A-1
Phoenix, AZ 85007
Telephone: (602) 771-2223 (toll-free in Arizona: (800) 234-5677, ask for ext. 5677)
Fax: (602) 771-2251
E-mail: blacik.deborah@azdeq.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be announced in the Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking